

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SHAINA SILVERMAN and TYLER  
KIMBROUGH, individually and on behalf of  
themselves and all others similarly situated,

Plaintiffs,

v.

REALPAGE, INC.; BROOKFIELD  
RESIDENTIAL PROPERTIES LLC;  
CUSHMAN & WAKEFIELD, INC.; EQUITY  
RESIDENTIAL; GREYSTAR REAL ESTATE  
PARTNERS, LLC; AVALONBAY  
COMMUNITIES, INC.; TF CORNERSTONE,  
INC.; and ROSE ASSOCIATES INC.,

Defendants.

No. 2:22-cv-01740-RSL

STIPULATED MOTION AND  
ORDER SUSPENDING  
DEADLINE FOR CERTAIN  
DEFENDANTS TO RESPOND TO  
COMPLAINT

Pursuant to Local Civil Rules 7(d)(1), 7(j), and 10(g), Plaintiffs Shaina Silverman and Tyler Kimbrough (collectively, “Plaintiffs”) and Defendants RealPage, Inc., Brookfield Residential Properties LLC, Cushman & Wakefield, Inc., Equity Residential, Greystar Real Estate Partners, LLC, AvalonBay Communities, Inc., TF Cornerstone, Inc., and Rose Associates, Inc. (collectively, the “Stipulating Defendants”), by and through their respective counsel, hereby stipulate as follows:

WHEREAS, Plaintiffs filed a Class Action Complaint (the “Complaint”) on December 8, 2022. ECF No. 1;

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1 WHEREAS, Plaintiffs served Brookfield Residential Properties, LLC, Cushman &  
2 Wakefield, Inc., Equity Residential, Greystar Real Estate Partners, LLC, TF Cornerstone, Inc.,  
3 and Rose Associates, Inc. with process on or about January 23 and 24, 2023, and RealPage, Inc.  
4 and AvalonBay Communities, Inc. waived service;

5 WHEREAS, the Complaint asserts claims under Section 1 of the Sherman Act based on  
6 the alleged use of RealPage, Inc.'s revenue management software;

7 WHEREAS, as of the date of this filing, the parties are aware that one or more of the  
8 Stipulating Defendants are named in multiple other lawsuits, in District Courts in Arizona,  
9 California, Colorado, the District of Columbia, Florida, Massachusetts, Tennessee, Texas, and  
10 other cases in Washington, asserting claims under Section 1 of the Sherman Act based on the  
11 alleged use of RealPage, Inc.'s revenue management software;

12 WHEREAS, on January 4, 2023, certain Stipulating Defendants and defendants named  
13 in other actions filed a motion pursuant to 28 U.S.C. § 1407 ( the "1407 Motion") before the  
14 U.S. Judicial Panel on Multidistrict Litigation ("JPML") to transfer this case and others to the  
15 U.S. District Court for the Northern District of Texas for consolidated pretrial proceedings;

16 WHEREAS, Plaintiffs and the Stipulating Defendants have conferred and agreed that  
17 party and judicial efficiency would be best served by suspending, for a short period of time, the  
18 deadline for the Stipulating Defendants to answer, move to dismiss, or otherwise respond to the  
19 Complaint;

20 WHEREAS, similar orders have been entered in other related cases subject to the 1407  
21 Motion, including: *Weaver v. RealPage, Inc. et al.*, No. 1:22-cv-03224 (D. Colo.), *Navarro v.*  
22 *RealPage, Inc. et al.*, No. 2:22-cv-01552 (W.D. Wash.), *Alvarez et al. v. RealPage, Inc. et al.*,  
23 No. 2:22-cv-01617 (W.D. Wash.), *Cherry et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01618  
24 (W.D. Wash.), *Morgan et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01712 (W.D. Wash.), and  
25 *Armas et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01726 (W.D. Wash.);

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27 STIPULATED MOTION AND ORDER SUSPENDING DEADLINE FOR CERTAIN DEFENDANTS TO  
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1 WHEREAS, Defendant Brookfield Residential Properties LLC was misnamed, and the  
2 correct entity is Brookfield Properties Multifamily LLC;

3 WHEREAS, Plaintiffs and the Stipulating Defendants have conferred and agree that the  
4 deadline for the Stipulating Defendants to answer, move to dismiss, or otherwise respond to the  
5 Complaint should be suspended and should be set on the same date as the deadline ultimately  
6 established for *Alvarez et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01617 (W.D. Wash.), *Cherry*  
7 *et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01618 (W.D. Wash.), *Morgan et al. v. RealPage,*  
8 *Inc. et al.*, No. 2:22-cv-01712 (W.D. Wash.), and *Armas et al. v. RealPage, Inc. et al.*, No.  
9 2:22-cv-01726 (W.D. Wash.).

10 WHEREAS, Plaintiffs and the Stipulating Defendants have agreed to file a joint status  
11 report with the Court by April 21, 2023.

12 In making this stipulation, the Stipulating Defendants do not waive, in this or any other  
13 action, any (i) defenses or arguments for dismissal that may be available under Fed. R. Civ. P.  
14 12; (ii) affirmative defenses under Fed. R. Civ. P. 8, including defenses based on class action  
15 waivers; (iii) other statutory or common law defenses that may be available; or (iv) right to  
16 seek or oppose any reassignment, transfer, or consolidated alternatives, including to seek  
17 arbitration. The Stipulating Defendants expressly reserve their rights to raise any such defenses  
18 (or any other defense) in response to either the Complaint or any original, amended, or  
19 consolidated complaint that may be filed in this or any other action.

20 THEREFORE, Plaintiffs and the Stipulating Defendants stipulate and agree to suspend  
21 the deadline for the Stipulating Defendants to answer, move to dismiss, or otherwise respond to  
22 the Complaint and request that the Court enter the subjoined order pursuant to this stipulation.

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24 STIPULATED to this 10th day of February, 2023.

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We certify that this memorandum contains  
1,671 words, in compliance with the Local Civil  
Rules.

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*Counsel for Defendant TF Cornerstone, Inc.*

*Counsel for Defendant Brookfield Properties  
Multifamily LLC (Currently misnamed as  
Brookfield Residential Properties LLC), as  
manager for certain affiliated entities*

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**ORDER**

THIS MATTER came before the Court on the parties' Stipulated Motion to Suspend the Deadline for Certain Defendants to Respond to the Complaint. Now, therefore, IT IS HEREBY ORDERED THAT:

The deadline for Defendants RealPage, Inc., Brookfield Residential Properties LLC, Cushman & Wakefield, Inc., Equity Residential, Greystar Real Estate Partners, LLC, AvalonBay Communities, Inc., TF Cornerstone, Inc., and Rose Associates, Inc. to answer, move to dismiss, or otherwise respond to the Complaint is hereby suspended and shall be set on the same date as the deadline ultimately established for *Alvarez et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01617 (W.D. Wash.), *Cherry et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01618 (W.D. Wash.), *Morgan et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01712 (W.D. Wash.), and *Armas et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01726 (W.D. Wash.).

Plaintiffs and Defendants RealPage, Inc., Brookfield Residential Properties LLC, Cushman & Wakefield, Inc., Equity Residential, Greystar Real Estate Partners, LLC, AvalonBay Communities, Inc., TF Cornerstone, Inc., and Rose Associates, Inc. shall file a joint status report with the Court by April 21, 2023.

Dated this 13th day of February, 2023.



Robert S. Lasnik  
United States District Judge